

United States Department of the Interior Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-Y020-2016-0008-CX

November 2015

Mexican Hat Mineral Material Trespass Site Reclamation

Location: Mexican Hat, San Juan County, UT; T. 42 S., R. 19 E., Section 5

Applicant/Address: Bureau of Land Management, Monticello Field Office, PO Box 7,
Monticello, UT 84535

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**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

A. Background

BLM Office: Monticello Field Office Lease/Serial/Case File No: UTU-74657

Proposed Action Title/Type: Mexican Hat Trespass Site Reclamation

Location of Proposed Action: Mexican Hat, T. 42 S., R. 19 E., Section 5, Lots 8, 9, 10

Description of Proposed Action:

In April 2015, the Bureau of Land Management, Monticello Field Office was made aware of unauthorized sand and gravel operations that occurred on public lands near Mexican Hat Rock (See Attached Maps). The bulk of the unauthorized use occurred sometime during 2009 to 2013. The trespass resulted in the removal of approximately 51,000 bank cubic yards of material with surface disturbance totaling approximately 3.4 acres, including approximately 19 test pits and associated access routes. The site is contiguous to an active sand and gravel pit located on private land to the north.

Surface disturbance consists of the following:

Sand and gravel site	2.6 acres
Test pits (19 ea.)	0.4 acres
Access routes (2,400 lin. ft.)	<u>0.4 acres</u>
Total	3.4 acres

The BLM, Monticello Field Office is proposing to have the 3.4 acre site reclaimed to the same standards that would have been required had the mineral material disposal been authorized under regulations at 43 CFR Part 3600 (see attached reclamation plan). All slopes would be reduced to a maximum slope of 3:1 (3 horizontal : 1 vertical). The natural drainage running through the site would be reestablished by removing the crusher reject material from the drainage. The test pits would be backfilled with the previously excavated material. All disturbed areas would be scarified and seeded in the fall using a BLM prescribed seed mix. Proposed equipment would include a dozer, front-end loader, dump truck and excavator (trackhoe).

Access to the site would be via the existing road across the adjacent private land. To date the private land owner has been cooperative in letting the BLM cross his land for purposes of investigating and resolving the trespass situation.

B. Land Use Plan Conformance

Land Use Plan Name: Monticello Field Office RMP.

Date Approved/Amended: November 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

All BLM-administered lands in the Monticello Field Office are placed in one of three categories; 1) Available for disposal of mineral material subject to standard conditions; 2) Available for disposal of mineral material subject to special conditions or; 3) Unavailable for disposal of mineral material (RMP Management Decision MIN-20). The proposed project is within an area which is available for disposal of mineral materials subject to standard conditions (RMP Appendix A, Map 19).

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, F.(10) which allows for disposal of mineral materials in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas and; 516 DM 11.9, F.(9) which allows for digging of exploratory trenches for mineral materials, except in riparian areas. The prior unauthorized disposal of mineral materials and digging of exploration trenches did not occur within a riparian area and did not exceed the criteria for volume and acreage. The survey volume of material removed is roughly 51,000 cubic yards. However, given the survey accuracy (plus or minus 5 percent), the regulatory threshold of 50,000 cubic yards is within the margin of error.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply. The proposed action would repair (reclaim) surface resource /damage /caused by the unauthorized disposal of mineral materials from public lands.

D: Signature

Authorizing Official: _____ Date: _____
Donald Hoffheins Field Manager

Contact Person

For additional information concerning this CX review, contact: Ted McDougall, Geologist, Monticello Field Office, PO Box 7 Monticello Utah 84535, or at 435-587-1512

Attachments

Maps (2)

Reclamation plan

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	CGiffen	9/15/15
Areas of Critical Environmental Concern	No	CWorth	9/15/15
Cultural Resources	No	D. Simonis	11/11/15
Environmental Justice	No	T. McDougall	8/28/15
Farm Lands (prime or unique)	No	Jed Carling	8/27/15
Floodplains	No	Jed Carling	8/27/15
Invasive Species/Noxious Weeds	No	Jed Carling	8/27/15
Migratory Birds	No	MScott	11/16
Native American Religious Concerns	No	D. Simonis	11/11/15
Threatened, Endangered, or Candidate Species	No	MScott	11/16/15
Wastes (hazardous or solid)	No	J. Brown	8/28/15
Water Quality (drinking or ground)	No	MScott	11/16/15
Wetlands / Riparian Zones	No	Jed Carling	8/27/15
Wild and Scenic Rivers	No	CWorth	9/15/15
Wilderness	No	CWorth	9/15/15
Other:			

*Extraordinary Circumstances apply.

Environmental Coordinator _____

Date: _____